

*Patent Application Serial No. 10/523,402  
Reply to Office Action dated March 28, 2008*

**REMARKS**

The present amendments to claim 1 are formal, or else put that claim into a form which has been allowed by the Japanese and Chinese patent offices. The present amendment adds to claim 1 a feature that is supported by Fig. 7 and the first two paragraphs on page 10 of the specification; namely, the Applicants' device can be placed on a table or the floor while in the posture of Fig. 7. In this state, the microphone 11 under the opening 32, at the end of the first casing 3 (see, e.g., Fig. 3) is far removed from the table or floor and is less likely to pick up vibration noise. Thus, the second casing functions as a microphone stand.

No new matter has been added. In full response to the outstanding Office Action:

(1-2) The drawing is objected to on the basis that Fig. 9 shows only prior art. A proposed drawing change is attached, adding "prior art" as requested. No new matter is entered.

(3-5) Claims 1-4 are rejected under 35 U.S.C. §112, second paragraph. The Examiner asserts that "rear side" is not defined either in the claims or in the specification. This rejection is respectfully traversed on the basis that the "rear side of the first casing" is found at various places, and the passage at page 7, line 14, of the specification clearly defines the rear side with reference to the drawing. The front side of the first casing is, then, the side opposite. As for the second casing, the claims never refer to a front or a rear side of it and there can be no issue.

The assertion that "rear" is a *relative* term is respectfully traversed.

The Examiner points out that "connection terminal" and "terminal for connection" are both used. The claims are amended to recite "connection terminal" throughout.

(6-7) Claims 1-3 are rejected under 35 U.S.C. §103(a) as being obvious over Pua et al., US 6,490,163 Liu et al., US 6,567,273, in view of Nagai et al., US 6,769,603. This rejection is respectfully traversed.

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The independent claims recite that the first and second casings are fixable at an angle, and that the microphone is at the end of the first casing opposite to the hinge. As mentioned above, this allows the Applicants' device to be placed on a table or floor in the posture of Fig. 7, and connected to a laptop as shown in Fig. 8. As claimed, the microphone is isolated from the table or floor.

The Applicants' claims also allow the microphone to be aimed at a user.

These features are not disclosed by the references.

Pua discloses a memory stick with a pivoting USB connector and a microphone 14 for use as a recorder (col. 2, lines 37-47). The pivoting axis is at right angles to that of the Applicants, and the position of the microphone is not disclosed by Pua; the microphone is shown only in the schematic figure, Fig. 3. Thus, this reference does not teach anything about microphone placement.

Neither is fixation at any angle is disclosed; the Examiner is invited to note that no mechanism which could permit fixation is shown in Fig. 5.

Liu also discloses a memory device with a USB connector, that pivots as does Pua's (Fig. 4) or else pivots around a different axis (Fig. 5), and stores within the outlines of the main body (Fig. 5; col. 5, lines 44-65, especially lines 61-65). Liu writes that "The USB plug can be rotated out by a suitable angle of about 180 degrees" (col. 5, line 53). No microphone is seen in this reference, so it cannot teach anything about microphone placement, and there is no disclosure of fixing an angle.

Thus Pua and Liu, even if combined (not admitted), would not reach the features mentioned above: (1) angle fixation; and (2) microphone placement.

The Examiner relies on Nagai for disclosing a front and a rear side and for locating the microphone at the end of the unit. However, as the Examiner notes, Nagai teaches putting the microphone "opposite the connection terminal" (Action at page 5, line 5), and *not* opposite to a hinge. The Examiner asserts, without support from the prior art, that it would have been obvious to place

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the Pua microphone at the upper portion of the body 1 "since this location is less likely to interfere with any mechanical rotating functions of the housing 173."

This assertion by the Examiner is respectfully traversed.

First: To avoid interference with a hinge the microphone can be placed *anywhere*, except right at the hinge, so there is teaching that that the microphone should be located at the end, as claimed. It could be located almost anywhere, and not interfere with the hinge.

Second: It can be argued that the person of ordinary skill, if motivated to modify Pua, would have placed the microphone on the *upper* side, that is, on the side already including the indicator light 41 (Fig. 9), for the same reason that this light is located there: to provide the greatest solid angle into which to radiate light, or, in the case of the microphone, from which to accept sound waves. It would make little sense to locate the microphone at the end, where it would be shielded, would become more directional, and would be less useful.

Pua's switch 44 is located on a side, where it is perhaps more easily operable because finger pressure against the side will not rotate the body 1, which is supported on the other side by the device 2 (Fig. 9). The switch location is not seen to be germane to the microphone location.

The Examiner is invited to consider that Pua discloses *nothing* at the end.

The Applicants respectfully submit that only if the prior art disclosed the fixation and positioning of instant Fig. 7, could it be predictable to located the microphone at the end. There is no basis for this feature being predictable.

(8) Claim 4 is rejected under 35 U.S.C. §103(a) as being obvious over Pua, Liu, and Nagai in view of Ma, US 5,691,882. The Examiner cites clamping plates 13 in Ma.

This rejection is respectfully traversed on the grounds above.

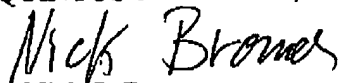
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In view of the aforementioned amendments and accompanying remarks, the application is submitted to be in condition for allowance, which action, at an early date, is requested.

Respectfully submitted,

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*I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office (Fax No. (571-273-8300) on July 25, 2008.*

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Signature 